THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.5092 of 2007

Between:

Bogabathina Rathnamma.

.. PETITIONER

and

The District Magistrate, Kadapa and others.

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RESPONDENTS

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ORDER:

The petitioner seeks a Writ of Mandamus declaring the action of the

respondents in not initiating preventive action against assailants, on her representation, dated 29-01-2007, as illegal and arbitrary.

It is stated that the petitioner has made a representation, dated 29-01-2007, before the 3rd respondent making certain allegations against her own sister.

If the sister of the petitioner commits any criminal action and the said action is in the nature of cognizable offence, and if the police do not take action on the said representation, it is open for the petitioner to file private complaint before the concerned Magistrate for registering criminal case. However, if the said action is in the nature of civil, it is open for the petitioner to file a suit and obtain appropriate interim injunction.

In view of the above facts and circumstances of the case, it is not just and proper for this Court to make enquiry and issue appropriate directions in this writ petition.

Accordingly, the writ petition is dismissed leaving it open to the petitioner to take appropriate action, in accordance with law, as indicated above. There shall be no order as to costs.

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13-03-2007

Prv